

Claims 1, 2, 4, 5, 10, 11, 14, 16, 17, 20, 22, 24, 25, 35, and 39-43 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Roan (U.S. Patent No. 4,058,631, claim 1) in view of Fan *et al.* (U.S. Patent No. 4,503,127). This rejection is respectfully traversed for the reasons of record.

Claims 6-8 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Roan (U.S. Patent No. 4,058,631) in view of Fan *et al.* (U.S. Patent No. 4,503,127) as applied to claims 1, 2, 4, 5, 10, 11, 14, 16, 17, 20, 22, 24, 25, 35, and 39-43 above, and further in view of Yamashita. This rejection is respectfully traversed for the reasons of record

Claims 12 and 13 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Roan (U.S. Patent No. 4,058,631) in view of Fan *et al.* (U.S. Patent No. 4,503,127), as applied to claims 1, 2, 4-8, 10, 11, 14, 16, 17, 20, 22, 24, 25, 35, and 39-43 above, and further in view of Judkins *et al.* (U.S. Patent No. 6,033,697), Rogols *et al.* (U.S. Patent No. 5,897,898), or Stevens *et al.* (U.S. Patent No. 5,965,189). This rejection is respectfully traversed for the reasons of record.

The Advisory Action of December 9, 2004 states:

The request for reconsideration has been considered but does NOT place the application in condition for allowance because: There is no factual basis of record that the enzyme is present in the untreated control prepared in applicant's Example 3. There is no blanching to produce this enzyme in applicant's Example 3, as there is in Yamashita. Further, the taste test performed in Example 3 is a taste test based upon the opinions of unqualified participants and not experts in this art.

The Advisory Action argues that there is no factual basis of record that the enzyme is present in the untreated control prepared in applicant's Example 3 because there is no blanching to produce this enzyme in applicant's Example 3, as there is in Yamashita. This assertion by the Office is incorrect. Lines 16-18 of applicant's Example 3 state: "Two kilograms of Bintje potatoes were peeled and cut into 10 mm x 10 mm elongated strips by use of a kitchen french fry cutter (Westmark küchenhelfer). The cut potatoes were **blanched** in batches of 500 g of potato in 1500 ml of water at 75°C for 10 minutes."

Example 3 of Applicants' specification shows that pectin methylesterase, when added exogenously to potato pieces, increased the crispiness of the potato pieces after deep frying over a control with no exogenous pectin methylesterase added. According to the Office's reasoning, in the untreated control, the formation of the pectin methylesterase *in situ* during blanching of the potatoes is sufficient to cause the observed result of improved crispiness. The results described in Example 3 are contrary to this reasoning. The treatment of the blanched potato pieces with exogenous pectin methylesterase increased the crispiness of

the potato pieces after deep frying over the untreated blanched control. The Office assertion, relying on Yamashita (U.S. Patent No. 5,312,631), that the formation of the pectin methylesterase *in situ* during blanching of the potatoes is sufficient to cause the observed result of improved crispiness is not supported by the facts.

The Advisory Action also argues that the taste test performed in Example 3 is a taste test based upon the opinions of unqualified participants and not experts in this art. Applicant respectfully disagrees with this assertion. Applicant submits that the applicable expert is simply the consumer and that the individuals in the taste test were representative of consumers. Crispiness can be perceived by the average consumer, and there is no need for an expert to determine what is or is not more crispy.

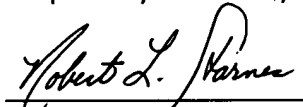
For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. § 103(a). Applicants respectfully request reconsideration and withdrawal of the rejection.

**VI. Conclusion**

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

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Respectfully submitted,



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